

In Chancery,

BETWEEN

JOHN GEARY, the younger,
and

SARAH M. GEARY and ELIZA GEARY, and SAMUEL
THOMAS ELLIOTT, ANN GEARY ELLIOTT, and MARY
BLYTHE ELLIOTT, infants within the age of twenty-
one years,

Defendants.

City of London,

To the Honorable the Judges of the Court of Chancery.

The Bill of Complaint of John Geary, the younger, of the City of London, in the County of Middlesex, Esquire.

Sheweth as follows :—

1. One William Geary, deceased, was in his lifetime, and at the time of his death, seized in fee simple of, or otherwise well entitled to the north $\frac{1}{2}$ of lot number 14 in the 5th concession of the township of London in the said County of Middlesex, containing by admeasurement 100 acres more or less, subject to a mortgage thereon from the said late William Geary to one John Rose Holden, bearing date the 20th day of March, 1846, for securing payment of the sum of £146 and interest.

2. The said late William Geary departed this life on or about the 2nd day of December, 1852, intestate, leaving John Geary the elder, Ann Park, the wife of one Samuel H. Park (since deceased), William Jones Geary (since deceased), and the defendants Sarah M. Geary and Eliza Geary, his only children and heirs-at-law him surviving.

3. The widow of the said late William Geary survived him, but has since died.

4. On the 7th day of April, 1863, the said John Geary the elder, by Indenture bearing date the day and year last aforesaid, conveyed his undivided 1-5th share and interest in the said lands to your orator who, by Indenture bearing date the 13th day of April in the same year, conveyed the same to Eliza Geary, the wife of the said John Geary the elder.

5. On the 25th day of May, 1871, by Indenture bearing date the day and year last aforesaid, and duly executed and acknowledged (to which her husband, the said John Geary the elder, was a party), the said Eliza Geary conveyed the said undivided 1-5th share and interest in the said lands to your orator.

6. The said William Jones Geary departed this life on or about the 11th day of June, 1855, intestate, leaving Charles Palmer Geary, his only child and heir-at-law him surviving.

7. The widow of the said late William Jones Geary survived him, but has since died.

8. By Indenture bearing date the 7th day of April, 1870, and made between the said Charles Palmer Geary of the one part, and your orator of the other part, the said Charles Palmer Geary conveyed to your orator all his estate and interest in the said lands.

9. The said Ann Park departed this life on or about the 7th day of October, 1856, intestate, leaving Samuel A. Park, William Jones Park, Elizabeth A. Elliott, wife of one William Elliott (since deceased), and Sarah Alice Park, her only children and heirs-at-law her surviving.

10. Samuel H. Park, the husband of the said Ann Park, survived her, but he has since died.

11. By Indenture bearing date the 25th day of April, 1868, and made between the said William Jones Park, of the First Part; the said Samuel A. Park, of the Second Part, and Jane, wife of the said William Jones Park, of the Third Part; the said William Jones Park conveyed to the said Samuel A. Park the undivided $\frac{1}{4}$ of the undivided 1-5th of the said lands.

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12. By Indenture bearing date the 23rd day of November, 1869, and made between the said Samuel A. Park of the one part, and your orator of the other part, the said Samuel A. Park conveyed to your orator the undivided $\frac{1}{2}$ of the undivided 1-5th of the said lands.

13. By Indenture bearing date the 19th day of March, 1870, and made between the said Sarah Alice Park of the one part, and your orator of the other part, the said Sarah Alice Park conveyed to your orator the undivided $\frac{1}{4}$ of the undivided 1-5th of the said lands.

14. The said late Elizabeth A. Elliott departed this life on or about the 6th day of March, 1867, intestate, leaving the defendants, Samuel Thomas Elliott, Ann Geary Elliott, and Mary Blythe Elliott, who are all infants within the age of 21 years, and one William Elliott, since deceased, her only children and heirs-at-law her surviving.

15. William Elliott, the husband of the said late Elizabeth A. Elliott, survived her, but has since died.

16. The said late William Elliott (son of the said late Elizabeth A. Elliott), departed this life in or about the month of July, 1868, intestate, without issue, and never having been married, leaving the defendants, Samuel Thomas Elliott, Ann Geary Elliott, and Mary Blythe Elliott, his only brother and sisters and heirs-at-law him surviving.

17. On the 1st day of May, 1871, there remained due on the said Mortgage to the said John Rose Holden the sum of \$100, which sum your orator then paid to the said John Rose Holden, who thereupon, by Indenture bearing date the day and year last aforesaid, assigned to your orator the said Mortgage.

18. The shares and interests of your orator and the said defendants in the said lands are as follows, that is to say: the same being divided into 60 parts, your orator is entitled to 33 of such parts; the said defendants, Sarah M. Geary and Eliza Geary each to 12 of such parts, and the said defendants, Samuel Thomas Elliott, Ann Geary Elliott, and Mary Blythe Elliott, each to 1 of such parts.

19. The said defendants, Sarah M. Geary and Eliza Geary, have been in possession of 80 acres of the said lands, upon which the buildings are situate, ever since the death of the said late William Geary.

20. For several years past, the said defendants, Sarah M. Geary and Eliza Geary, have let the portion of the said lands of which they have been in possession as aforesaid to tenants, and have received for their own use the rents and profits thereof, and they are now in receipt of the rents and profits thereof.

21. The said lands are farming lands, and suitable for that purpose only, and a partition cannot be made thereof without serious loss to the infant defendants, and a sale will be more beneficial to all parties than a partition thereof.

Your orator therefore prays:—

1. That the said lands may be sold under the direction of this Honorable Court, and the proceeds of such sale, after deducting the costs of this suit and the amount due on the said Mortgage to the said John Rose Holden may be divided amongst and paid to the parties entitled thereto according to their respective shares and interests in the said lands.
2. And that your orator may be paid the amount due on the said Mortgage.
3. And for the purposes aforesaid that all further directions may be given and accounts taken.
4. And that your orator may have such further and other relief in the premises as may to this Honorable Court seem meet.
5. And your orator will ever pray, &c.

W. R. MEREDITH.